

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: :  
: Chapter 11  
EMC BRONXVILLE METROPOLITAN :  
LLC : Case No. 18-22963-RDD  
f/k/a Metloft Bronxville LLC, :  
: :  
: debtor. :  
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**LENDER'S STATEMENT REGARDING MOTION  
FOR THE APPOINTMENT OF A TRUSTEE**

AAEB5 Fund 17, LLC (the "Lender"), a creditor of EMC Bronxville Metropolitan LLC (f/k/a Metloft Bronxville LLC) (the "Debtor"), the above-captioned debtor, in response to the motion of the petitioning creditors, Thomas E. Haynes Architect, Werner E. Tiejen, PE and Happ Heating & Cooling Service, Inc. (the "Petitioners") for the appointment of a Chapter 11 Trustee dated July 18, 2018 (the "Trustee Motion"), respectfully states as follows:

1. In their Trustee Motion, the Petitioners describe matters pertaining to the Debtor, including the nature of certain claims against the Debtor. Although the Lender is not taking a position regarding the Trustee Motion at this time, Lender is constrained to note that the descriptions regarding the Debtor and the Lender are inaccurate in some respects, and incomplete in others. Accordingly, the corrections and clarifications herein are offered to ensure that the Court and all parties in interest have accurate information.

2. On or about December 9, 2015, Lender extended a \$5 million loan to the Debtor. The Debtor is in default of its obligations under this loan, and the Debtor's total indebtedness to Lender was approximately \$6,359,706 as of August 1, 2018.

3. The Trustee Motion falsely states that Brent Borland was the "broker that brought EB-5 financing to the project." In fact, the principals of the Lender do not know Mr. Borland

and have never discussed anything (including the Debtor) with Mr. Borland or any person purporting to represent Mr. Borland. Mr. Borland simply had nothing to do with the origination of the Lender's loan to the Debtor.

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